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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,224	10/16/2001	Reuben Bahar	133/117	4472
7590	03/24/2008	CAHILL VON HELLENS & GLAZER PLC	EXAMINER	
ALLTEN: MARVIN A GLAZER			BILGRAMI, ASGHAR H	
155 PARK ONE			ART UNIT	PAPER NUMBER
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PHOENIX, AZ 85016				
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			03/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/978,224	<b>Applicant(s)</b> BAHAR, REUBEN
	<b>Examiner</b> ASGHAR BILGRAMI	<b>Art Unit</b> 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 07 December 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 184-189, 191-213, 215-229, 231-234, 236-243, 248-255, 258-271, 279, 327-340 and 346-348 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-64C)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 184-189, 191-213, 215-229, 231-234, 236-243, 248-255, 258-271, 279, 327-340 and 346-348.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 184-189, 191-213, 215-229, 231-234, 236-243, 248-255, 259-271, 279, 327-340, 346-348 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. 6,629,131B1), Flynn et al (U.S. 6,618,747B1) and Kanevsky et al (U.S. 6,836,846).

3. As per claims 236, 248, 260, 252, 264, 268 Choi disclosed a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, said method comprising: a) transmitting an e-mail from a sender computer to an intended recipient, the sender computer being connected to a communications network; b) delivering said e-mail to a recipient e-mail address (col.2, lines 59-67). However Choi did not explicitly disclose c) detecting an access event, and prompting the party associated with said event to input recipient data prior to allowing the requested access, said recipient data including identifying data related to the party associated with said requested access d) sending recipient data for confirming proper delivery of said e-mail. In the same field of endeavor Flynn disclosed d) detecting an access event, and discovering the stored data file that is associated with said actual recipient's e-mail

address and data file that is associated with said actual recipient's e-mail address (e) sending identifying data contained in said discovered data file for confirming proper delivery of said e-mail (col.6, lines 53-56).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the discovered recipients data in the confirmation receipt as disclosed by Flynn in a method of verifying whether e-mail was delivered to the intended recipient as disclosed by Choi in order to make the e-mail delivery system more secure and protected by giving the sender the ability to know exactly who the e-mail content was delivered resulting in assured and verified communication between users on a network.

Both Choi and Flynn did not explicitly disclose, biometric identification means for recognizing biometric attributes of an individual; acquiring recipient data that is related to biometric identification of the recipient; identifying a recipient utilizing biometric identification and identifying a recipient in associated with the biometric identification. In the same field of endeavor Kanevsky et al disclosed biometric identification means for recognizing biometric attributes of an individual; acquiring recipient data that is related to biometric identification of the recipient; identifying a recipient utilizing biometric identification and identifying a recipient in associated with the biometric identification (col.4, lines 62-67, col.5, lines 1-15 & col.5, lines 46-67).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated detecting an accessing individual through utilization of biometric attributes as disclosed by Kanevsky in a method of verifying whether e-mail

was delivered to the intended recipient as disclosed by Choi & Flynn in order to enhance the security of the e-mail delivery system resulting in secure and protected reception of the e-mail by only the intended actual recipient.

4. As per claims 185,191, 208-210, 215, 249-251, 253-255, 259, 261-263, 265-267, 269-271, 279, 327, 329, 335, 336, 338 & 346-348 Choi-Flynn-Kanevsky disclosed the method as recited in claim 258 wherein said step of recipient data for confirming proper delivery of said e-mail includes the steps of: (a) generating a confirmation of receipt notice wherein the inputted recipient data is included with said confirmation receipt notice; and (b) sending said confirmation of receipt notice, wherein the inputted receipt data included with said confirmation of receipt can be compared to information associated with said intended recipient in order to verify whether the e-mail was accessed by the intended recipient (Flynn, col.6, lines 66-67 & col.7, lines 1-21).

5. As per claims 212 Choi-Flynn-Kanevsky disclosed the method as in claim 260, wherein the step of transmitting an e-mail from a sender computer includes attaching an executable attachment file in conjunction with the e-mail, the executable attachment file having a first module for discovering the stored recipient data file that is associated with actual recipient e-mail address and wherein the step of detecting an access event includes the step of executing the first module of the executable attachment file (Flynn col.53-67 & col.7. lines 1-19).

6. As per claims 213 Choi-Flynn-Kanevsky disclosed the method as in claim 212, wherein the executable attachment file has a fourth module transmitted and delivered therewith, the fourth module for detecting the access event, and further comprising the step of automatically executing the fourth module upon delivery of the attachment file to the recipient e-mail address (Flynn col.53-67 & col.7. lines 1-19).

7. As per claims 216 Choi-Flynn-Kanevsky disclosed the method as in claim 215, wherein said recipient computer is a server of a service provider that is capable of receiving e-mail (Choi, col.2, lines 59-67).

8. As per claim 233 Choi-Flynn-Kanevsky disclosed the method as in claim 260, wherein said recipient data is acquired as a requisite condition for operating a remote user computer, said remote user computer being operable to gain access to said recipient e-mail address (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

9. As per claims 218, 198, 196, 200, 234, 238, 239, 240, 241, 195, 219, 222, 243, 199, 221, 242, 197, 203, 225, 204, 226, 205, 227, 201, 223, 193, 217, 187, 211, 330, 331, 334, 337, 339 & 340 Choi-Flynn-Kanevsky disclosed the method as in claim 155, wherein said acquired recipient data is related to alphanumeric text identification, biometric identification, password identification, a computer generated user code, or a combination thereof (Bisbee, col.1, lines 37-51 & col.4, lines 36-67).

10. As per claims 202 & 224 Choi-Flynn-Kanevsky disclosed the method as in claim 236 further including the step of sending access event data of attendant conditions of said access event (Flynn col.6, lines 53-67 & col.7, lines 1-19).

11. As per claims 206, 207, 228 & 229 Choi-Flynn-Kanevsky disclosed the method as in claim 236, wherein said step of identifying data is used to verify proper delivery of legal documents, confidential documents (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 258, 332, 334, 184 & 333 rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. 6,629,131B1) and Kanevsky et al (U.S. 6,836,846).

14. As per claim 258 Choi disclosed a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, said method comprising: a) transmitting an e-mail from a sender computer to an intended recipient, the sender computer being connected to a communications network b) delivering said e-mail to an e-mail address (col.2,lines 60-67) and d) sending recipient data for confirming proper delivery of said e-mail (col.3, lines 1-9). However Choi did not explicitly disclose e)

detecting an access event, and prompting the party that requested said access to input recipient data prior to allowing the requested access, said recipient data including identifying data that is associated with the party that requested said access; and d) sending recipient data for confirming proper delivery of said e-mail. In the same filed of endeavor Kanevsky disclosed e) detecting an access event, and prompting the party that requested said access to input recipient data prior to allowing the requested access, said recipient data including identifying data that is associated with the party that requested said access (col.4, lines 62-67, col.5, lines 1-15 & col.5, lines 46-67).

15. As per claim 332 Choi-Kanvesky disclosed the method as in claim 258 wherein said recipient data for confirming proper delivery of said e-mail is sent to an e-mail address(Choi, col.2, lines 60-67 & col.3, lines 1-9).

16. As per claim 334 Choi-Kanvesky disclosed the method as in claim 258, wherein said inputted recipient data pertains to alphanumeric text identification, biometric identification, password identification, a computer generated user code, or a combination thereof (Kanevsky, col.4, lines 62-67, col.5, lines 1-15 & col.5, lines 46-67).

17. As per claim 184 Choi-Kanvesky disclosed the method as recited in claim 258 wherein said step of sending recipient data for confirming proper delivery of said E-mail includes the steps of: a) generating a confirmation of receipt notice wherein the inputted recipient data is included with said confirmation of receipt notice; and b) sending said

confirmation of receipt notice, wherein the inputted recipient data included with said confirmation of receipt notice can be compared to information associated with said intended recipient in order to verify whether the e-mail was accessed by the intended recipient (Choi, col.2, lines 60-67 & col.3, lines 1-9).

18. As per claim 333 the method as in claims 184, wherein said confirmation of receipt notice is sent to an e-mail address (Choi, col.2, lines 60-67 & col.3, lines 1-30).

***Response to Arguments***

19. Applicant's arguments with respect to claims 184-189, 191-213, 215-229, 231-234, 236-243, 248-255, 258-271, 279, 327-340, 346-348 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

*/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2154*